

companies under the Racketeer Influenced and Corrupt Organizations Act, known as RICO.

The company was ordered to produce the Foyle memorandum as part of the discovery process, but it refused. The company appealed twice, claiming that the document was not in its control.

British American Tobacco then moved for summary judgment, which would have thrown the case out of court, on the grounds that the government cannot establish the company's liability under the Racketeer Influenced and Corrupt Organizations Act. In late May Judge Gladys Kessler of the US District Court for the District of Columbia denied the motion and again ordered the company to produce the memorandum.

British American Tobacco immediately appealed for a stay of Judge Kessler's order. The stay has been granted, but the issue is expected to be resolved in the next few weeks and the trial is expected to begin as scheduled on 13 September.

Janice Hopkins Tanne *New York*

Canadian hospitals fight a rise in infections with *Clostridium difficile*

Hospitals in Montreal and Calgary are fighting a rise in infections with *Clostridium difficile*, which has killed more people in the past 18 months than were killed by last year's outbreak of SARS (severe acute respiratory syndrome), a report in *CMAJ*, the Canadian Medical Association's journal, says.

The report appeared as an early release on the journal's website on 4 June (www.cmaj.ca/pdfs/171_1_news.pdf). "*CMAJ*'s investigation has elicited reports of the deaths of at least 79 patients in several institutions, all of whom contracted the infection in 2003 or the first few months of 2004," says the journal. "By comparison, in all of Canada 44 people died from SARS during last year's outbreak in Ontario."

At least 12 Montreal hospitals have been trying to contain the outbreaks for 18 months. Calgary hospitals, which experienced a major outbreak in

2000-1 that later subsided, have seen a rising incidence of 13-15 new cases per 500 beds per month since last autumn. Dr Tom Louie, medical director of the Calgary health region's infection prevention and control, is said to have tracked 1167 patients with *C difficile* from 2001 to date. Infections resulted in 17 colectomies and 10 deaths.

David Spurgeon *Quebec*

Liposuction does not achieve metabolic benefits of weight loss

Abdominal liposuction does not significantly improve metabolic abnormalities associated with obesity, and removing adipose tissue mass alone does not achieve the metabolic benefits of weight loss, a new research report says (*New England Journal of Medicine* 2004;350:2549-57).

Abdominal obesity is associated with insulin resistance and other metabolic risk factors for coronary heart disease. Weight loss achieved through diet improves the metabolic complications of abdominal obesity.

Liposuction has often been proposed as a treatment for the metabolic complications of obesity. In a study lead by Dr Samuel Klein of the Center for Human Nutrition, Washington University School of Medicine, St Louis, researchers evaluated the effect of large-volume abdominal liposuction on metabolic risk factors for coronary heart disease in women with abdominal obesity.

The researchers looked at the insulin sensitivity of liver, skeletal muscle, and adipose tissue in 15 obese women before abdominal liposuction and 10 to 12 weeks afterwards. Eight of the women had normal glucose tolerance and seven had type 2 diabetes (mean body mass index 35.1 (SD 2.4) and 39.9 (5.6), respectively).

Liposuction did not significantly alter the insulin sensitivity of muscle, liver, or adipose tissue, nor did the procedure significantly alter plasma concentrations of C reactive protein, interleukin 6, tumour necrosis factor α , and adiponectin.

Scott Gottlieb *New York*

Traditional Indian remedy for asthma challenged in court

Sanjay Kumar *New Delhi*

A 159 year old traditional remedy of offering "fish medicine" to cure asthma has been challenged in the Indian courts. The Indian Medical Association has questioned the secrecy surrounding the ingredients of the medicine, invoking the provisions of the Drugs and Magical Remedies Act 1954.

Thousands of people with asthma travel to Hyderabad for the annual gathering where the medicine is delivered free to the patient in the mouth of a live fish.

"Any substance other than food used for curing [people] falls under the category of a drug and its ingredients must be disclosed to the consumers," says Dr C L Venkata Rao, secretary of the Charminar branch of the Indian Medical Association in Hyderabad, who filed the writ in the Hyderabad High Court.

The herbal medicine is placed in the mouth of a 5-7 cm long murrel fish and the patient is made to swallow the live fish, repeating this ritual annually for three years. The medicine's ingredients have been guarded zealously by the Bathini Goud family, which claims a saint gave its formula to their ancestor Veeranna Goud in 1845 forbidding them from making the ingredients public.

"The medicine would lose its efficacy if we broke the pledge and it will fall prey to unbridled commercialisation," Bathini Harinath Goud said. "We have been offered unlimited money in the past in return for disclosure of the formula by pharmaceutical companies, but we prefer to spend money from our savings and give the medicine free to all the patients," said Mr Goud.

"Hundreds of thousands of people have been completely

cured of asthma with this medicine," claims Mr Goud. He said that some 650 000 patients with asthma took the medicine this year, a figure disputed by Dr Rao, who says that according to official records only 52 000 fish were sold.

"There is no evidence that it works," Dr Ajit Vigg, head of respiratory and critical care medicine at Apollo Hospital, Hyderabad, said. "On the contrary, we have seen 10-15% patients whose condition has worsened."

Dr Vigg says they had sent some dozen chronic asthma patients to be treated with fish medicine a few years ago and monitored variables such as their forced vital capacity and forced expiration volume before and after the treatment but found no improvement. "In my practice of 20-25 years, I have not seen a single patient whose condition has either improved or who has got completely cured with fish medicine," he said.

Both Mr Goud and the critics concur that there are no records to verify the claims and counterclaims.

Under the court order, samples of the medicine have been sent to three different laboratories for analysis. The laboratory reports have to be filed by 1 July. Dr Rao says his association has demanded that the contents of the fish medicine be made known to the recipients. It has also called for prosecution of the Bathini Gouds for violating the provisions of the Drugs and Magical Remedies Act and a ban on government spending in promoting fish medicine.

Dr Rao added that as the medicine was administered without using gloves to a large number of people, communicable diseases could be spread. □



The herbal medicine is placed in the mouth of a murrel fish before it is given to the person with asthma to swallow